

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

|                                       |   |                        |
|---------------------------------------|---|------------------------|
| Demario Clyburn, #260856,             | ) | C/A No. 2:13-00107-TMC |
| <i>a/k/a Demario Marquis Clyburn,</i> | ) |                        |
|                                       | ) |                        |
| Petitioner,                           | ) |                        |
|                                       | ) |                        |
| vs.                                   | ) | <b>ORDER</b>           |
|                                       | ) |                        |
| State of South Carolina,              | ) |                        |
|                                       | ) |                        |
| Respondent.                           | ) |                        |
|                                       | ) |                        |

Demario Clyburn (“Petitioner”), proceeding *pro se*, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, while a prisoner in the South Carolina Department of Corrections (“SCDC”). The petition challenges Petitioner’s state convictions from August 30, 1999, for armed robbery and first degree burglary, which resulted in two concurrent fifteen year sentences. By Order dated March 29, 2013, Petitioner was instructed to show cause why his petition should not be dismissed as untimely filed based on the information provided in the petition. Petitioner, however, did not receive the order, because it was returned to the court as undeliverable mail after being received by SCDC on April 2, 2013, and stamped “return to sender” with “unable to forward.” ECF No. 10.

Petitioner has apparently been released from SCDC as he is not listed as an inmate in SCDC’s inmate database. Further, Petitioner has a pending civil rights case in this court, which was removed from state court, and the street address provided by Petitioner in that case has also resulted in undeliverable mail. See *Clyburn v Huntley*, C/A No. 2:13-742-TMC-BHH (entry # 14). Petitioner has not provided the court with a new address at which he receives mail, and the record indicates no attempt by Petitioner to contact the court since

filing his federal habeas petition in this case.

It is ordered that this case is **dismissed, without prejudice**, pursuant to Rule 41 of the Federal Rules of Civil Procedure. See *Link v. Wabash Railroad Company*, 370 U.S. 626 (1962).

s/Timothy M. Cain  
Timothy M. Cain  
United States District Judge

May 7, 2013  
Anderson, South Carolina